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Letter dated 21 December 2006 from the Permanent Representative of Cuba to the United Nations addressed to the President of the Security Council

In my capacity as Chairman of the Coordinating Bureau of the Non-Aligned Movement, I have the honour to write to you in connection with the consideration by the Security Council of the agenda item on non-proliferation under which a draft resolution on the Islamic Republic of Iran's nuclear issue is being discussed.

The Non-Aligned Movement attaches great importance to the issue and is following developments closely.

In order for the Security Council to duly take into account the position of the Movement in its deliberations, I have the honour to enclose herewith the statement on the Islamic Republic of Iran's nuclear issue adopted by the Non-Aligned Movement at its Fourteenth Summit Conference of Heads of State or Government held in Havana from 11 to 16 September 2006 (see annex).

I should be grateful if you would arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Rodrigo **Malmierca Díaz**
Ambassador

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Annex to the letter dated 21 December 2006 from the Permanent Representative of Cuba to the United Nations addressed to the President of the Security Council

Statement on the Islamic Republic of Iran's nuclear issue

1. The Heads of State or Government *reiterated* their principled positions on nuclear disarmament and non-proliferation reflected in the Final Document of XIV Conference of Heads of State or Government of the Non-Aligned Movement, held in Havana, Cuba, from 11-16 September 2006. They *considered* the developments regarding the implementation of the NPT safeguards agreement in the Islamic Republic of Iran.

2. The Heads of State or Government *reaffirmed* the basic and inalienable right of all States, to develop research, production and use of atomic energy for peaceful purposes, without any discrimination and in conformity with their respective legal obligations. Therefore, nothing should be interpreted in a way as inhibiting or restricting this right of States to develop atomic energy for peaceful purposes. They *furthermore reaffirmed* that States' choices and decisions in the field of peaceful uses of nuclear technology and its fuel cycle policies must be respected.

3. The Heads of State or Government *recognized* the International Atomic Energy Agency (IAEA) as the sole competent authority for verification of the respective safeguards obligations of Member States and *stressed* that there should be no undue pressure or interference in the Agency's activities, especially its verification process, which would jeopardize the efficiency and credibility of the Agency.

4. The Heads of State or Government *welcomed* the cooperation extended by the Islamic Republic of Iran to the IAEA including those voluntary confidence-building measures undertaken, with a view to resolve the remaining issues. They *noted* the assessment of the IAEA Director-General that all nuclear material declared by Iran had been accounted for. They *noted*, at the same time, that the process for drawing a conclusion with regard to the absence of undeclared material and activities in Iran is an ongoing and time-consuming process. In this regard, the Heads of State or Government *encouraged* Iran to urgently continue to cooperate actively and fully with the IAEA within the Agency's mandate to resolve outstanding issues in order to promote confidence and a peaceful resolution of the issue.

5. The Heads of State or Government *emphasized* the fundamental distinction between the legal obligations of States to their respective safeguards agreements and any confidence-building measures voluntarily undertaken to resolve difficult issues, and *believed* that such voluntary undertakings are not legal safeguards obligations.

6. The Heads of State or Government *considered* the establishment of nuclear-weapons-free zones (NWFZs) as a positive step towards attaining the objective of global nuclear disarmament and reiterated the support for the establishment in the Middle East of a nuclear-weapon-free zone, in accordance with relevant General Assembly and Security Council resolutions. Pending the establishment of such a zone, they *demanded* Israel to accede to the NPT without delay and place promptly all its nuclear facilities under comprehensive IAEA safeguards.

7. The Heads of State or Government *reaffirmed* the inviolability of peaceful nuclear activities and that any attack or threat of attack against peaceful nuclear

facilities — operational or under construction — poses a great danger to human beings and the environment, and constitutes a grave violation of international law, principles and purposes of the Charter of the United Nations and regulations of the IAEA. They *recognized* the need for a comprehensive multilaterally negotiated instrument, prohibiting attacks, or threat of attacks on nuclear facilities devoted to peaceful uses of nuclear energy.

8. The Heads of State or Government *strongly believed* that all issues on safeguards and verification, including those of Iran, should be resolved within the IAEA framework, and be based on technical and legal grounds. They *further emphasized* that the Agency should continue its work to resolve the Iranian nuclear issue within its mandate under the Statute of the IAEA.

9. The Heads of State or Government *also strongly believed* that diplomacy and dialogue through peaceful means must continue to find a long term solution to the Iranian nuclear issue. They *expressed* their conviction that the only way to resolve the issue is to resume negotiations without any preconditions and to enhance cooperation with the involvement of all necessary parties to promote international confidence with the view to facilitating the Agency's work on resolving the outstanding issues.

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Report of the Secretary-General on Chad and the Central African Republic pursuant to paragraphs 9 (d) and 13 of Security Council resolution 1706 (2006)

I. Introduction

1. In my report on Darfur of 28 July 2006 (S/2006/591), I emphasized the threat to regional peace and security posed by the situation in Darfur, in particular with respect to Chad and the Central African Republic. On 31 August 2006, the Security Council adopted resolution 1706 (2006), in which it decided, in paragraph 9 (d), that the mandate of the United Nations Mission in the Sudan (UNMIS) in Darfur shall include, inter alia:

> To assist in addressing regional security issues in close liaison with international efforts to improve the security situation in the neighbouring regions along the borders between the Sudan and Chad and between the Sudan and the Central African Republic, including through the establishment of a multidimensional presence consisting of political, humanitarian, military and civilian police liaison officers in key locations in Chad, including in the internally displaced persons and refugee camps, and if necessary, in the Central African Republic, and to contribute to the implementation of the Agreement between the Sudan and Chad signed on 26 July 2006.

2. Furthermore, in paragraph 13 of the same resolution, the Council also requested me to report "on the protection of civilians in refugee and internally displaced persons camps in Chad and on how to improve the security situation on the Chadian side of the border with [the] Sudan".

3. Subsequently, the African Union (AU) Peace and Security Council issued a communiqué on 20 September 2006, in which it encouraged "any steps that could be taken, including by the United Nations, to enhance security along the borders between Sudan and Chad and between [the] Sudan and the Central African Republic, as well as ensure the protection and security of refugees in Chad".

4. In order to formulate recommendations pursuant to paragraphs 9 (d) and 13 of resolution 1706 (2006), I dispatched a multidisciplinary technical assessment mission to Chad and the Central African Republic, led by the Department of Peacekeeping Operations and comprising representatives of the Department of Political Affairs, the Department of Public Information, the Department of Safety and Security, the Office for the Coordination of Humanitarian Affairs, the Office of

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the United Nations High Commissioner for Refugees (UNHCR) and the Office of the High Commissioner for Human Rights (OHCHR), during the period from 21 November to 3 December. The Assistant Secretary-General for Peacekeeping Operations joined the mission for high-level consultations from 29 November to 3 December. The mission met with President Déby of Chad and President Bozizé of the Central African Republic; other senior Government officials, both civilian and military; political parties, representing both the majority and opposition movements; civil society; and humanitarian and human rights representatives. The mission also met with United Nations partners and members of the diplomatic community in both countries. In the Central African Republic, the team furthermore met with the commander of the Multinational Force of the Central African Economic and Monetary Community (FOMUC), as well as with a joint European Union-AU mission, which was in the country to conduct a midterm review of FOMUC.

5. Due to the prevailing security situation, the technical assessment mission was not able to visit the north-eastern Central African Republic and eastern Chad, the regions bordering Darfur. The duration of the team's visit to Chad was also curtailed, as it was held up in Bangui for two days due to security concerns following a major rebel attack on Abéché and other areas in eastern Chad at the end of November. Only a part of the team subsequently travelled to N'Djamena, as it became clear that a field visit to eastern Chad would not be possible in view of the ongoing hostilities.

6. Accordingly, the present report provides an overview of the political, security, humanitarian and human rights situation in both countries and, in particular, of the protection of civilians in refugee and internally displaced persons locations in Chad. It also outlines some preliminary options regarding the possible mandate, structure and concept of operations of a multidimensional United Nations presence in both countries.

II. Political and security situation

A. Chad

7. Since independence in 1960, Chad has faced recurrent violent conflict and political instability, which have hindered the emergence of strong State institutions and democratic governance in the country. Moreover, successive military coups have contributed to a culture of violence still prevailing in the country. The lack of political stability and insecurity have also seriously hampered economic development, despite prospects of high revenues from the new oil industry.

8. After taking power from Hissène Habré in December 1990, President Idriss Déby Itno won three successive presidential elections in 1996, 2001 and 2006. During that period, Chad was not able, despite some progress, to achieve fully inclusive governance.

9. A constitutional amendment adopted in June 2005 allowed President Déby to run for a third term in the elections conducted in May 2006. The defection of high-ranking military officers in 2005 and 2006 and their decision to join various Chadian rebel groups further undermined the political climate and posed a serious threat to the Government. Those rebel groups have exploited the volatile situation in

the border areas to launch what appear to be increasingly coordinated attacks against the national army of Chad.

10. The rebel groups reportedly comprise significant numbers of former officers of the national army as well as non-Chadians, including Sudanese nationals. In addition, some Sudanese armed elements, including from the Justice and Equality Movement and the National Redemption Front, also appear to be present in the north-eastern area of Chad, around Bahai. There are also allegations that Sudanese rebel groups are recruiting from refugee camps in Chad.

11. In view of the ever more volatile situation in the border region, and pursuant to the Tripoli Agreement of 8 February 2006 and the N'Djamena Agreement of 26 July 2006, Chad and the Sudan agreed to establish a joint mechanism to monitor the situation along the common border through the deployment of mixed military forces in several areas along the border. However, the Agreements have not been implemented and relations between the two countries have deteriorated considerably. Both parties have accused each other of supporting rebel groups and/or mercenaries seeking to destabilize the respective Governments. At the same time, there is only very limited dialogue between the Government of Chad and the political opposition or the rebel groups.

12. Rebel and criminal activities, as well as inter-ethnic clashes, have increased in eastern Chad during the recent months. These activities have included attacks by Janjaweed militia based in the southern Sudan, which have launched raids into Chad, looting and pillaging. On 13 November, Chad declared a state of emergency in the eastern part of the country, in particular in Ouaddaï, Wadi Fira and Salamat prefectures. The emergency was also extended, preventively, to Hadjer Lamis, Borkou-Ennedi-Tibesti and Moyen Chari prefectures and to N'Djamena. Following the recent brief occupation of Abéché in eastern Chad by rebels on 25 November, the upsurge of rebel activities around Biltine, 60 km to the north-east of Abéché, and rebel threats to attack N'Djamena, the Government, on 28 November, declared that it was in "a state of war" with the Sudan, and accused both the Sudan and elements in Saudi Arabia of providing support to the rebels.

13. The national army of Chad is currently composed of some 25,000 troops of whom 15,000 are reportedly deployed in eastern Chad. Under the Chadian Constitution, the national police and national gendarmerie share law enforcement responsibilities in the country. Together, they have an estimated 10,000 personnel. The national police are present primarily in urban areas, whereas the gendarmerie is deployed in the countryside. However, the current police presence in the eastern regions reportedly consists only of about 200 police officers divided between the commissariats of Abéché and Biltine. The level of training and basic logistic support of these units is insufficient, and their strength is grossly inadequate to respond to the needs of a population estimated at 1.1 million in the three eastern provinces.

14. The presence of French military forces in Chad appears to have a significant stabilizing influence, although they have refrained from intervening in the recent hostilities between rebel groups and the Government. Altogether, over 1,000 French troops, supported by significant air assets, are based in Chad.

15. In a note verbale dated 7 November 2006, the Government of Chad expressed its preliminary views on a possible United Nations role in eastern Chad pursuant to Security Council resolution 1706 (2006). The note called for the limited deployment

of "an international civilian force" to ensure security in the refugee camps established in the east of the country and to "guarantee their neutrality". At the same time, it proposed that the force be made up of gendarmes provided by African countries and paid for by Europe or the United Nations. The note further indicated that the Government did not want Chad to be used as "a rear base for an intervention in Darfur under United Nations auspices without the prior consent of [the] Sudan". However, in a follow-up note verbale dated 15 November 2006, the Government of Chad alleged that genocide was being committed at the Chadian-Sudanese border and accused the Sudan of instigating a "scorched-earth" policy in Darfur and eastern Chad. The note verbale called on the international community to deploy a "United Nations force" along the border with the Sudan, and to "effectively implement Security Council resolution 1706 (2006)".

16. During a meeting with the Assistant Secretary-General for Peacekeeping Operations on 2 December, President Déby confirmed that his Government welcomed, in principle, the deployment of a United Nations presence in eastern Chad, pursuant to paragraph 9 (d) of Security Council resolution 1706 (2006). However, President Déby noted that the modalities of such a deployment would have to be further discussed at the technical level. At the same time, he stressed his decision to have several refugee camps relocated away from the border for security reasons. Subsequently, in a letter addressed to the President of the Security Council dated 9 December, President Déby confirmed that he would agree to the deployment of "an international presence at the border with [the] Sudan" to strengthen security in the area and ensure protection of refugees and internally displaced persons.

B. Central African Republic

17. The history of the Central African Republic, a large and sparsely populated country, has been marked by deep-rooted poverty, ethnic tension, pervasive political instability and armed conflict, including over the last 10 years. The country has also been affected by regional instability and internal conflict in neighbouring countries, which have resulted in movements of refugees, arms and rebel groups across its porous borders.

18. Following a series of internal conflicts and mutinies in 1996 and 1997, subregional mediation efforts led to the establishment of the Inter-African Mission to Monitor the Implementation of the Bangui Agreements in February 1997. It was replaced in April 1998 by a United Nations peacekeeping operation, the United Nations Mission in the Central African Republic (MINURCA). Following the successful holding of elections in September 1999, MINURCA was withdrawn and replaced by the United Nations Peacebuilding Support Office in the Central African Republic (BONUCA). The Office continues to support efforts to consolidate peace and achieve national reconciliation.

19. In August 2002, the security situation in the Central African Republic deteriorated markedly, in particular in the northern part of the country. In October 2002, CEMAC established FOMUC in the Central African Republic. Since then, the Force, which consists of 380 troops from Chad, Gabon and the Congo, has played a useful role. The current mandate of the subregional force, which expires on 30 June 2007, is to contribute to the stability of the Central African Republic and the restructuring of the Central African Armed Forces (FACA).

20. A national dialogue launched in 2002 was interrupted when General Francois Bozizé replaced President Ange-Félix Patassé in the wake of a coup d'état in March 2003. Subsequently, the transitional Government of President Bozizé organized a national dialogue in September 2003 with the participation of former Presidents of the Central African Republic, with the exception of President Patassé.

21. While General Bozizé subsequently won presidential and legislative elections in May 2005, the fragile stability in the country has been further exacerbated by the insecurity caused by criminal gangs and the emergence of an armed rebellion in both the north-west and the north-east of the country. The rebel groups consist of supporters of former President Patassé and of elements formerly associated with President Bozizé, who have since then turned against him. Attacks against FACA have occurred on a regular basis and the Central African Republic authorities are having difficulty maintaining law and order in several parts of the country.

22. One of the Central African Republic rebel groups claimed responsibility for attacking and occupying the town of Birao in the north-eastern prefecture of Vakaga on 30 October 2006. During the months of November and December, they also occupied the towns of Ouanda Djallé and Sam Ouadja in the same prefecture. The Central African Republic authorities have accused the Sudan of providing support to the group. The Central African Republic authorities have regained control of those areas, with support from FOMUC and France.

23. The attack and occupation of Birao occurred shortly after violent confrontations in Chad between the national army of Chad and a Chadian rebel group. The timing of these two events has led to speculation that Chadian rebel elements may have forged ties with certain Central African Republic rebel groups, using the north-eastern Central African Republic as a rear base and alternate route to launch attacks into Chad. That perception is reinforced by reports indicating that approximately 10 days after the attack on N'Djamena in April 2006, an aircraft landed in the north-eastern Central African Republic on at least two occasions and offloaded troops and military equipment.

24. Currently, FACA does not have the capacity to provide a secure environment throughout the country and is highly dependent on the support provided by FOMUC and France. It is composed of some 4,000 troops, of whom only 1,200 are assessed to be operational. Those troops are considered to have some potential, but they lack leadership, equipment, training and regular sustenance, in particular salaries and logistical support. There is evidence that during military operations, FACA troops have committed human rights abuses against civilians whom they believe to be supporting the rebels.

25. At present, both the CAR gendarmerie and police have abandoned the three prefectures in the north-east (Bamingui-Bangoran, Haute-Kotto and Vakaga). The total strength of the national police and gendarmerie is 3,145, but as currently configured, they cannot effectively address the current crisis in the north-east. Both the military and the police are in need of urgent reform to enable them to provide effective security throughout the country, while abiding by basic human rights standards.

26. In a note verbale addressed to BONUCA dated 1 November 2006, the Minister for Foreign Affairs appealed for the immediate and effective implementation of the measures outlined in paragraph 9 (d) of Security Council resolution 1706 (2006).

During his meeting with the Assistant Secretary-General for Peacekeeping Operations on 30 November, President Bozizé welcomed the possible establishment of a United Nations peacekeeping presence in the north-east and stressed the need for its deployment as soon as possible, while asserting that the rebels in the north-east were supported by the Sudan.

III. Humanitarian situation

A. Chad

27. Currently, Chad is experiencing a multifaceted humanitarian crisis linked to the conflict in Darfur and the instability in the northern Central African Republic. As at 30 November 2006, it was hosting approximately 232,000 refugees from Darfur, and an additional 48,000 refugees from the Central African Republic. Altogether, some 92,000 Chadians have been displaced as a consequence of the recent upsurge in fighting, out of a total population of about 1.1 million in the eastern part of the country.

28. Despite the heavy burden that the Sudanese refugees represent for the country, the Government of Chad has welcomed them, in accordance with international standards and obligations. However, in order to cope with the situation, the Government has repeatedly appealed to the international community for assistance.

29. Out of the 232,000 Sudanese refugees, more than 220,000 receive assistance in 12 refugee camps. However, new refugees from Darfur continue to arrive, albeit at a lower rate. So far they have been accommodated in the existing camps.

30. Those refugee camps are located in the border region adjacent to Darfur and, with the exception of two camps, they are all located more than 50 km away from the border. In November 2006, the Government of Chad decided that the camps should be relocated further inside the country, some 500 km from the border, and appealed for international assistance to do so. According to the Government, the relocation of the camps is necessary not only to ensure the security of the refugees, but to put to rest the accusations by the Sudanese Government that N'Djamena encourages Sudanese rebels to use the refugee camps as a rear base. During the technical assessment mission, President Déby and other senior Government officials repeatedly insisted on the need to relocate the camps. The Government of Chad and UNHCR have established a technical working group to identify alternative sites that conform to minimum criteria including security, water, ethnic compatibility, medium-term viability and opportunities for self-sufficiency. In addition, the relocation of the refugees is subject to security conditions.

31. For the most part, internally displaced persons in eastern Chad are not in camps. Between 4 and 16 November, Janjaweed militia reportedly attacked and burned some 40 villages in the areas south of Goz Beïda and Koukou Angarana, resulting in the death of 260 to 500 civilians. As a result, some internally displaced persons were dispersed and are now living near refugee camps close to villages and towns, while others are scattered in locations which render the provision of assistance to them more difficult.

32. Ethnic and linguistic affinities among the populations in the region have so far ensured that tensions between internally displaced persons, Sudanese refugees and

the local communities have remained low. However, increased pressure on land and other scarce resources and recent hostilities in the region are undermining peaceful coexistence among the different groups. Humanitarian agencies are increasingly providing host communities with assistance in order to alleviate their burden, but also to reduce tensions. Clearly, however, that assistance is inadequate and greater efforts to provide relief assistance and to implement recovery programmes are needed.

33. A total of 10 United Nations agencies and 39 international non-governmental organizations (NGOs) and members of the Red Cross movement are providing food, water, sanitation, health care, shelter, nutritional support, education, protection, psychosocial activities and other assistance to conflict-affected refugees, internally displaced persons and host populations. In addition to the deteriorating security conditions, the implementation of humanitarian operations in eastern Chad faces extreme challenges. The terrain is harsh, vast and has minimal infrastructure, and during the rainy season much of the area is virtually impassable.

34. Hostilities and the ensuing criminality have forced humanitarian agencies to repeatedly evacuate staff from eastern Chad. The recent fighting has required a shift to security phase IV and, as a result, the numbers of humanitarian and NGO staff serving in eastern Chad are being reduced and relocated. Such constant interruptions disrupt the provision of vital assistance.

35. Due to the complex and fluid security situation, refugees, displaced persons and host communities face a wide range of threats, which are compounded by the absence of the most basic law and order institutions. Among the most serious threats are the use of refugee camps for military purposes and local populations by the various rebel groups; forced recruitment, including of children; criminal activities; inter-ethnic strife; and violent competition for scarce natural resources. There is evidence of sexual and gender-based violence, but cultural norms prevent survivors from seeking treatment or reporting incidents. Overall, the growing insecurity is the single greatest impediment to the protection of the civilian population.

36. In response to the increasing security threats to the refugee camps and the difficulties encountered by the absence of capacity of the Government of Chad to ensure the civilian and humanitarian character of the camps, in March 2006 UNHCR negotiated a memorandum of understanding with the Ministries of Defence and Territorial Administration. The memorandum of understanding provides for the deployment of 235 gendarmes in the 12 refugee camps. Following the deterioration of the security situation, an additional protocol was negotiated and signed in September 2006. Under the protocol, an additional 75 gendarmes are to be deployed, bringing the total number to 315. The role of the gendarmes was also extended to include a presence in and around field offices, so as to improve the security of humanitarian staff. UNHCR provides them with the entire support package, including a stipend of 80,000 CFA (US$ 160) per gendarme, per month.

37. To date, implementation of the security package through the national gendarmes has had mixed results. Although they have diligently fulfilled many tasks and many did not flee the towns attacked by rebels, the gendarmes do not have the necessary equipment, training and experience to dissuade or prevent criminal activities, the recruitment of child soldiers, sexual and gender-based violence and the presence of armed combatants among the camp population. So far, only 220

gendarmes have been deployed and some have been drafted into the armed forces to fight the rebels.

38. A major concern is that no similar arrangement is in place covering the locations of internally displaced persons and the host communities. At present, apart from the border areas in which the Chadian army operates, a security vacuum exists, which is being exploited by various groups and criminal elements. Despite their innovative nature, the current arrangements fall significantly short of what is required to ensure the protection of the civilian population.

B. Central African Republic

39. The humanitarian situation in the Central African Republic is also a cause for serious concern. It is predominantly the result of internal events and deep-rooted poverty, but instability in neighbouring countries, particularly Chad and the Sudan, has also had an impact. Outside Bangui and major regional towns, basic services, such as education, water and sanitation and health care, are nearly non-existent. Basic infrastructure is lacking. Tensions have been increasing since early in 2006, and the humanitarian community considers that the situation in the Central African Republic is deteriorating rapidly. It is estimated that more than 1 million people out of a total population of about 3.8 million are affected. As at September 2006, the Central African Republic hosted nearly 20,000 refugees, including 14,000 Sudanese, 3,200 from the Democratic Republic of the Congo and 1,500 Chadians. The majority of Sudanese refugees are expected to be repatriated to the southern Sudan in 2007.

40. The north-west of the country, especially the prefectures of Ouham and Ouham-Pendé, is currently the epicentre of the humanitarian crisis, with at least 70,000 internally displaced persons. Tens of thousands of civilians are currently living in the bush with minimal shelter, health care, safe drinking water and sanitation. Their survival depends in part on the few humanitarian agencies operational in the area. Protection of the civilian population and the provision of life-saving assistance are the most urgent humanitarian challenges.

41. Sparsely populated Vakaga prefecture in the north-east has 52,000 inhabitants (2003 census), or a population density of only 1.1 inhabitants per km^2. Given the lack of access to and the dearth of information about the situation in the north-east, an accurate understanding of the humanitarian situation is not possible at present. The assumption is that the humanitarian situation in Vakaga is comparable to that in the rest of the country. Reportedly, a large number of civilians have been displaced by the recent fighting in and around Birao. At present, no United Nations agency or international NGO has a presence in the region. International NGOs have requested Government permission to assess the area. The Government, however, claims that the area is too insecure for a humanitarian presence.

IV. Human rights situation

A. Chad

42. Chad faces major challenges on the human rights front. Existing State structures for the protection and promotion of human rights appear unable or unwilling to tackle the prevailing culture of impunity that seems anchored to ethnic allegiances. The executive is commonly perceived to interfere in the work of the judiciary.

43. The international human rights treaties that Chad has ratified have yet to be incorporated in its domestic legislation. In peripheral regions, including those bordering Darfur, the traditional dispute resolution mechanism, known as *diya*, supersedes Chadian law. In most towns of the eastern regions, the judicial system has reportedly ceased to function. The ensuing impunity compounds inter-ethnic tensions.

44. Reported violations of human rights in Chad include extrajudicial killings, ill-treatment and torture, forcible recruitment, including of children, sexual violence and violations of political rights.

45. The general human rights situation is further aggravated by the conflict in the areas bordering Darfur. Findings by international human rights NGOs in eastern Chad speak of several hundred people killed in the past three months as a result of communal violence. Small arms are readily available. New armed groups proliferate at an alarming rate. Men, women and children, refugees and internally displaced, appear to be caught in a spiral of violence that not only deprives them of their means of livelihood, but also continuously undermines their physical integrity.

46. According to reports, the civilian population and Sudanese refugees in the eastern regions receive little or no protection from State institutions. The low literacy rate, including among civilian authorities, the absence of an active civil society and, increasingly, the erosion of traditional chiefs' authority represent serious long-term challenges.

B. Central African Republic

47. The human rights situation in the Central African Republic is also a serious concern. Impunity appears to be a major issue. Several documented cases of abuses and crimes committed by uniformed personnel have either gone totally unpunished or simply resulted in perfunctory disciplinary measures. The culture of impunity also takes the form of threats which, at times, amount to violent and even lethal acts against magistrates, lawyers, human rights defenders and independent journalists. Human rights abuses are also reportedly committed by the police and, to a lesser extent, the gendarmerie.

48. The ongoing conflict in the north of the Central African Republic results in gross violations of human rights perpetrated against the local population. The Central African Republic armed forces, in particular the Presidential Guard, are widely held responsible for reprisals, including burning villages, against the local population whom they accuse of supporting the rebels. The mission also received allegations of abuses committed by rebels.

49. Sexual violence against women, but also men, seems to be a lasting legacy of the 2002 and 2003 rebellions, during which it was committed on a large scale by all parties, to an extent that has justified the submission of a case to the International Criminal Court. There are alarming reports of witnesses for the Court being harassed by perpetrators who now wear State uniforms. One reliable source reported tens of cases of sexual violence perpetrated in 2006.

50. Other recent violations reportedly include the consistent use of ill treatment and torture of detainees, ongoing recruitment of child soldiers for deployment in the north, including the north-east of the Central African Republic, as well as the cultural practice of enslaving Pygmies.

51. Outside Bangui, there seems to be no functioning legal system in the Central African Republic, which can be seen as both the cause and the effect of the prevailing impunity. There is also a lack of capacity for the independent collection and analysis of human rights-related information, especially in conflict-affected areas such as the north-east.

V. Preliminary options for a United Nations multidimensional presence in Chad and the Central African Republic

A. Key findings

52. Since the technical assessment mission was not able to visit eastern Chad or the north-eastern Central African Republic due to the ongoing hostilities in both areas, it was not possible to develop fully fledged recommendations regarding a possible United Nations multidimensional presence in those areas. The following should therefore be treated as preliminary findings, which will need to be confirmed and adjusted by further assessments.

53. The technical mission confirmed that the conflicts in Darfur, Chad and the Central African Republic are increasingly interlinked, posing considerable threats to subregional security. The Darfur conflict has already spilled over into Chad with serious consequences for the country and beyond, while in the Central African Republic, the Government asserts that the Sudan is backing the rebels in the north-east. At the same time, it is clear that the north-east of the Central African Republic has been used by Chadian rebel groups as a route to bypass the Darfur-Chad border, thereby destabilizing Vakaga prefecture. The porosity of the borders is attested to by the numerous reports of infiltrations, incursions and cross-border activities by tribal and Janjaweed militias, as well as the regular forces and rebels of each of the three countries, except FACA.

54. The hostilities in Darfur and eastern Chad have already led to a regional humanitarian crisis, involving a total of over 2.3 million refugees and internally displaced persons on both sides of the border. While conditions in the north-eastern Central African Republic could not be assessed, it is obvious that the recent hostilities have led to a further deterioration in the humanitarian situation there. If the current pattern of hostilities continues in the border areas, it may lead to additional displacement of populations, which in turn will lead to greater destabilization of the whole subregion.

55. In the Central African Republic, the subregional force, FOMUC, has played a useful role with French assistance, but neither its mandate nor the capacity of the subregional operation are adequate to stabilize the situation.

56. As at the time of writing of the present report, there is no significant political or reconciliation process to resolve the conflicts in either Chad or the Central African Republic. So far, the two Governments have avoided entering into discussions with rebel groups, arguing they should first lay down their arms and back up the reconciliation process. With ongoing hostilities, the prospects of establishing durable peace and security are bleak. Moreover, with the prevailing trends, the armed confrontation may continue and the humanitarian crisis may intensify.

57. While the members of the technical assessment mission, in both Chad and the Central African Republic, discussed with senior Government officials the deployment of a United Nations multidimensional presence, it was not able to ascertain the views of the armed opposition groups. In their contacts with the team, opposition parties in both countries, however, indicated that armed opposition groups would regard a United Nations operation as partial and supportive of the two Governments. In the absence of a credible and inclusive political process, a United Nations multidimensional presence would therefore face considerable security risks.

58. Finally, the team also found that the deployment and subsequent sustainment of any United Nations presence in Chad and the Central African Republic would pose enormous logistical challenges. The area of operations is characterized by difficult terrain, extreme weather conditions, very poor infrastructure, an absence of major airfields and very long distances from the seaports.

B. Mandate of a United Nations multidimensional presence

59. In line with paragraph 9 (d) of Security Council resolution 1706 (2006), a possible United Nations multidimensional presence should seek to improve the security situation in the areas along the borders between the Sudan, Chad and the Central African Republic. The mandate would depend on the size and scope of the presence authorized. The preliminary recommendations of the mission are that the mandate should include the following elements: facilitation of political process/dialogue in the areas of deployment; protection of civilians within available capabilities; protection of United Nations personnel and their assets; monitoring and investigating the human rights situation; and strengthening of the local judicial, police and correctional system. In addition to the activities listed above, the mission could also include disarmament, demobilization and reintegration, gender, conduct and HIV/AIDS components, as well as mine action efforts, as appropriate.

C. Overall structure of a United Nations multidimensional presence

60. Given developments on the ground and the overall political and security assessment, it would seem necessary to consider establishing a separate United Nations presence for Chad and the Central African Republic, which would liaise and coordinate closely with the African Union Mission in the Sudan (AMIS)/UNMIS and other United Nations operations. Given the interdependence of the situation in the two countries, the presence should cover both Chad and the Central African

Republic. The new United Nations presence would have its headquarters in N'Djamena. Major operational activities would be focused on eastern Chad and the north-eastern Central African Republic, with a liaison office in Bangui.

61. It is envisaged that the presence would be multidimensional and headed by a Special Representative. The mission's civilian components would be relatively modest in size, and would complement and coordinate closely with existing partners and activities in Chad and the Central African Republic, including the country teams and BONUCA.

D. Concept of operations of a United Nations multidimensional presence

62. The technical assessment mission considered two principal options for a multidimensional presence:

(a) Option A — Monitoring mission: the mandate of a monitoring mission would be to observe the situation in the border areas. It would liaise with the parties, provide early warning and contribute to improving the security situation though confidence-building and preventive measures;

(b) Option B — Monitoring and protection mission: in addition to the above, a larger monitoring and protection mission would contribute to improving security in the border region by also providing protection, within its capabilities, to civilians under imminent threat.

E. Political and civil affairs

63. Under both options, the mission would need to include a political and a civil affairs component. The political component would provide support and advice to the Special Representative, assist him/her in facilitating political dialogue within and between the Central African Republic, Chad and the Sudan, including the implementation of the Tripoli and N'Djamena Agreements, and in establishing liaison with United Nations partners, including AU and other relevant subregional entities. The component would also be responsible for reporting to Headquarters. The civil affairs component would liaise with the local authorities and civil society in the areas of deployment and help to promote peace and national reconciliation. Both the political and civil affairs components would have staff in N'Djamena and in the field locations in eastern Chad and the north-eastern Central African Republic, as well as in the liaison office in Bangui.

F. Military

Military concept for option A — monitoring mission

64. The tasks of the military force would be to monitor and report on the cross-border activities of armed groups along the border with Darfur, focusing on major crossing points, in order to provide early warning against infiltration or incursion; maintain liaison with United Nations agencies, funds and programmes, AMIS/UNMIS, BONUCA, French troops, FOMUC and the authorities in Chad and

the Central African Republic; and protect United Nations personnel and property. The main points of application for the monitoring mission would be nine major border crossings in Chad and one in the Central African Republic, as well as key towns in the border region. Ideally, efficiency would be improved by similar efforts by AMIS on the Sudanese side of the border.

65. Such a United Nations operation would have a brigade-sized configuration with a military headquarters deployed in Abéché, three battalion sectors in Chad and a fourth battalion deployed in a separate sector in the Central African Republic.

66. In addition to the ground operation and extensive patrolling in the border areas, the mission would monitor the border by aerial observation. Long-range patrols would also be conducted. The use of unarmed military observers was considered but discarded, as it was determined that they could not be safely deployed in the border region without armed protection.

67. Quick reaction units would be established at both the mission and sector levels and supported by air mobility and special vehicles. The mission would need to be supported by engineer companies to assist in the construction of United Nations bases and provide extra operational capability. The force would also require at least six military helicopters to provide troop lift, as well as dedicated medical evacuation. A level 2 hospital would be required in Abéché, with an enhanced level 1 facility in Birao. Military police and logistics transport might also be required, subject to further assessment.

Military concept for option B — monitoring and protection mission

68. In addition to performing the liaison and monitoring tasks described above, the larger force would deter attacks and provide protection, within its capabilities, to civilians under imminent threat in its deployment areas.

69. The option would have a military division-sized composition with divisional headquarters to be located in Abéché. The force would comprise three brigade sectors in Chad and a battalion sector in the Central African Republic. In the sectors, the military component would monitor the cross-border activities of armed groups and conduct patrols to provide area security coverage around towns, villages and internally displaced persons locations. The force would seek to deter attacks by armed groups and react pre-emptively to protect the civilian population, including refugees and internally displaced persons. The force also would require rapid reaction capabilities at the force, sector and battalion levels, which could be deployed by air or in special vehicles. The force would also require additional enablers, such as engineer companies and additional helicopters. In the Central African Republic, the deployment of a strong battalion would still be limited to the north-eastern border region.

G. Police

70. The police concept of operations would be the same under both options. In Chad, the United Nations police would assist the national law enforcement agencies with the following four basic tasks: policing refugee camps (12 locations); policing key towns (including humanitarian bases); patrolling commuting routes between humanitarian field offices and internally displaced and refugee populations; and

policing areas where such populations are found. Such tasks could be performed only in combination with a United Nations military presence that could provide the necessary security. The above-mentioned tasks would be achieved by enhancing local police/gendarmerie capacity, building on the approach developed by UNHCR in the refugee camps. Preliminary estimates are that some 580 Chadian gendarmes and police would be required. Each would receive a subsistence allowance and additional basic logistic support. The mission would require some 160 United Nations police officers, including a training team for selection and predeployment training of local personnel, and a number of police advisers to support and monitor law enforcement activities on the ground. The use of formed police units could be considered, subject to further assessments and developments on the ground.

71. In the Central African Republic, pending further assessment of the situation in the north-east, the United Nations police presence would be limited to a small number of United Nations police officers to monitor and advise the national police and gendarmerie, and liaise with partners, including AMIS/UNMIS, BONUCA, FOMUC and the French forces. The deployment would include border-policing experts and general law enforcement personnel.

H. Humanitarian

72. The humanitarian operations in Chad and the Central African Republic would continue to be coordinated by the respective humanitarian coordinators, while the new mission in the border areas would include humanitarian liaison officers, to ensure appropriate liaison between the presence and the humanitarian community. The number and duty stations of the potential humanitarian liaison presence would depend on the option chosen.

I. Human rights

73. Under both options, a few human rights officers would be deployed as a part of the mission in key locations to monitor, document and report on the situation in the mandated areas and to conduct preliminary investigations in cases of major human rights violations. Particular attention would be paid to the identification of perpetrators and, thematically, to the issues of sexual violence and child protection. At the same time, the mission could work closely with local human rights organizations and train the local authorities and civil society in international human rights standards, including the guiding principles for the protection of internally displaced persons.

J. Public information

74. The mission should include a public information component, which would explain and promote the mandate and activities of the United Nations in both countries. It should aim to reach refugees, internally displaced persons, combatants and the population at large. The mission should (a) develop and implement a community outreach and advocacy programme, which should include workshops, training sessions and other more traditional public information activities, and (b) focus on radio broadcasting as the most effective tool of direct communication

with the population. Radio programmes could include the promotion of human rights, reconciliation, protection and the mandate and activities of the United Nations. To achieve the desired radio broadcasting goals, the United Nations should first seek to identify suitable partners that are already on the ground and that have the available networks and capacities.

75. Public information facilities should be established in N'Djamena and Abéché in Chad, and in Bangui and Birao in the Central African Republic.

K. Mission support

76. Due to the landlocked nature of both Chad and the Central African Republic, the deployment and subsequent sustainment of any United Nations presence in the countries would pose enormous challenges. The area of operations is characterized by difficult terrain and extreme weather conditions. The region is seriously affected by heavy rains during the period from May to November. Flooding of the area, together with the forested terrain, results in a swamp covering south-eastern Chad and the northern and north-eastern Central African Republic, which makes movement on the ground extremely difficult and hazardous. The United Nations presence would therefore have to rely heavily on air transport. There is a very high incidence of tropical diseases, including malaria, a health risk that would require the deployment of advanced medical facilities. According to estimates by the Joint United Nations Programme on HIV/AIDS, the national HIV prevalence in Chad is 3.3 per cent, rising to 6 per cent in its largest cities and 8 per cent in the capital, N'Djamena. The Central African Republic is one of the worst-affected countries in the region, with an HIV prevalence of 11 per cent. Mission HIV awareness and prevention programmes will need to be implemented to reduce the risk of peacekeepers contracting and/or spreading HIV. At the same time, HIV concerns will need to be integrated into mission functions, such as human rights and the training of national police.

77. Chad and the Central African Republic are also characterized by very poor infrastructure, including roads, bridges, airfields, power, transportation, communications and health facilities. Commercial activity in both countries is limited to the capital cities, with the exception of mining and oil exploration. There is heavy dependence on imported goods and services. Therefore, any United Nations presence in both countries would require out-of-area sourcing of goods and services. It may be possible to recruit some skilled staff in Bangui. However, there are very limited possibilities in Chad, owing to demand for skilled labour in the oil sector and other factors.

78. Most importation into Chad and the Central African Republic is channelled through two main corridors: from Douala, in Cameroon, and, to a limited extent, from Benghazi, in the Libyan Arab Jamahiriya. Average transit time for a consignment from Douala to Bangui or N'Djamena is about six to eight weeks, depending on the season. From Bangui or N'Djamena to the local areas, the main supply routes are even more complex and transportation is monopolized by a network of formal and informal entities. Therefore, to deploy and sustain a United Nations presence in the region, the Organization would have to create its own infrastructure in terms of transportation, communications, medical care, supply and

engineering. Most goods and services would have to be imported from outside the region.

79. Due to the above-mentioned constraints, a United Nations deployment in the region would be time-consuming and costly. Since the rainy season begins in May, a decision to deploy would have to be taken no later than January 2007. Notwithstanding such a decision, it would be essential to dispatch a small advance team as soon as possible to lay the groundwork for the possible deployment of a mission.

L. Safety and security

80. The multidimensional presence would have an appropriate civilian security component in order to facilitate a safe and secure environment for mandate implementation and programme delivery. That would be essential given the insecurity that prevails in the possible areas of deployment.

VI. Observations and recommendations

81. Over the last weeks and months, the situation in the border areas has deteriorated considerably and is now a serious threat to peace and security in the whole region. The devastating conflict in Darfur has clearly spilled over into Chad, and the conflicts in Darfur, Chad and the Central African Republic appear to be increasingly interlinked.

82. The humanitarian and human rights situation has also worsened and is having a serious impact on the civilian populations in eastern Chad and the north-eastern Central African Republic. The human tragedy that we are already witnessing in Darfur and the border areas is likely to worsen, if the current hostilities are allowed to continue. I strongly appeal to the Governments concerned, and the various rebel groups, to refrain from attacking civilians and to respect the humanitarian and civilian character of the refugee and internally displaced person locations, as well as the safety of humanitarian workers and their assets. In that regard, and pursuant to paragraph 13 of Security Council resolution 1706 (2006), the necessary security conditions must be created to allow for the relocation, in safety and dignity, of the inhabitants of those refugee camps in Chad which are currently too close to the border area. I urge Member States to make the necessary funds available for both the ongoing humanitarian operations and for the relocation of the refugee camps.

83. The deployment of the multidimensional presence envisaged by the Security Council in paragraph 9 (d) of its resolution 1706 (2006) was discussed with the Presidents of Chad and of the Central African Republic. President Bozizé called for the deployment of United Nations troops as soon as possible. President Déby indicated that Chad accepted, in principle, the deployment of a United Nations mission, but pointed out that the nature, strength and composition of such an operation would need to be further discussed.

84. There is evidently a need to address the rapidly deteriorating security situation and to protect civilians in the border areas. However, the situation in eastern Chad and the north-eastern Central African Republic is extremely fluid, with ongoing hostilities between the respective Governments and rebel groups, especially in

Chad. There are, at present, only limited prospects for a meaningful dialogue and reconciliation process between the Governments and the rebels in the two countries. Similarly, there are so far no signs of a credible and inclusive political process in Darfur. Accordingly, the deployment of a United Nations peacekeeping force in eastern Chad and the north-eastern Central African Republic would face considerable risks, and its safe entry would depend on the consent of the parties. Otherwise, any United Nations presence could become the target of attacks by rebel groups, if they were to perceive it as interfering with their cross-border activities. Unless all the parties concerned were to agree to a ceasefire and engage in an intra- and inter-State dialogue aimed at a political solution, a United Nations force would be operating in the midst of continuing hostilities and would have no clear exit strategy. The conditions for an effective United Nations peacekeeping operation do not, therefore, seem to be in place as at the time of writing of the present report.

85. However, should the Security Council decide to pursue the idea of establishing a United Nations multidimensional presence in eastern Chad and the north-eastern Central African Republic, pursuant to paragraph 9 (d) of resolution 1706 (2006), it should consider authorizing the deployment of a robust monitoring and protection mission, as described in section V above (option B). A smaller mission, as envisaged under option A, would not be able to protect civilians under imminent threat and, at the same time, to stabilize the border area. Moreover, its deployment would be fraught with unacceptable risk and raise expectations that would likely be disappointed.

86. The decision to deploy such a robust United Nations monitoring and protection mission should be contingent upon a cessation of hostilities and an agreement by all parties to allow the induction of the force, facilitate its operations and fully comply with its mandate. I would also recommend that it be contingent upon the Governments concerned engaging each other and their respective opposition groups, including armed rebel movements, in a process of dialogue and reconciliation aimed at reaching a political solution. The Security Council and all Member States that could bring their influence to bear on the parties should redouble their efforts to promote such a political process. To that end, I will continue to consult with AU and other partners on the necessary facilitation efforts to foster national reconciliation in Chad. Regarding the Central African Republic, the Department of Political Affairs has dispatched a mission to the subregion to consult national and regional stakeholders within the States of the Monetary and Economic Community of Central Africa to explore peaceful ways and means of resolving the current political crisis in that country.

87. In addition, before making a final decision on the deployment in Chad and the Central African Republic, the Security Council should ascertain that Member States are prepared to make available the necessary troops and police, and to assist in addressing the daunting logistical challenges which such an operation would face at a time when the Organization's capacities in the area are already stretched.

88. In the meantime, the Security Council may wish to consider authorizing the dispatch of an advance team to Chad and the Central African Republic. Such an advance team would collect more information on the situation in the border areas and further explore the possibilities for a political agreement between the Governments concerned in the region, and between the Governments and their respective opposition groups. It would also conduct further detailed planning and

logistic preparations, so as to enable me to submit more comprehensive recommendations to the Security Council in due course.

89. In conclusion, I wish to stress that the responsibility for addressing the situation in Darfur, eastern Chad and the north-eastern Central African Republic must rest, first and foremost, with the leaders of those countries. They must muster the necessary political will and leadership to bring about an effective cessation of hostilities and thereby put an end to the untold suffering inflicted on the civilian populations concerned. I call upon them to honour the various agreements they have freely entered into, in particular the Tripoli and N'Djamena Agreements. I also encourage the respective Governments and rebel groups to enter into a genuine dialogue and reconciliation process. Only such a process can ensure the restoration of durable peace and stability in the region.

United Nations S/2006/1020

Security Council

Distr.: General
22 December 2006

Original: English

Letter dated 18 December 2006 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to Security Council resolution 1719 (2006) dated 25 October 2006, by which the Council authorized the establishment of the United Nations Integrated Office in Burundi (BINUB) for an initial period of 12 months, as of 1 January 2007. In that resolution, the Security Council welcomed my recommendation that BINUB be headed by an Executive Representative of the Secretary-General, who would also serve as the Resident Representative of the United Nations Development Programme and as the United Nations Resident Coordinator and Humanitarian Coordinator.

Following the usual consultations, it is my intention to appoint my Deputy Special Representative for Burundi, Youssef Mahmoud (Tunisia), as the Executive Representative of the Secretary-General for Burundi and Head of BINUB as of 1 January 2007.

I should be grateful if you would bring this matter to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

06-68225 (E) 030107

United Nations S/2006/1021

Security Council

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Letter dated 22 December 2006 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 18 December 2006 (S/2006/1020) concerning your intention to appoint your Deputy Special Representative for Burundi, Youssef Mahmoud (Tunisia), as your Executive Representative for Burundi and Head of the United Nations Integrated Office in Burundi has been brought to the attention of the members of the Security Council. They take note of the intention expressed in your letter.

(*Signed*) Nassir Abdulaziz **Al-Nasser**
President of the Security Council

06-68136 (E) 271206

United Nations S/2006/1022

Security Council

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Letter dated 21 December 2006 from the Chargé d'affaires a.i. of the Permanent Mission of Timor-Leste to the United Nations addressed to the Secretary-General

I have the honour to transmit a letter addressed to you by Kay Rala Xanana Gusmão, President of the Democratic Republic of Timor-Leste, Francisco Guterres "Luolo", President of the National Parliament and José Ramos Horta, Prime Minister of Timor-Leste (see annex).

I should be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Sofia **Borges**
Chargé d'affaires

06-68219 (E) 020107

Annex to the letter dated 21 December 2006 from the Chargé d'affaires a.i. of the Permanent Mission of Timor-Leste to the United Nations addressed to the Secretary-General

[Dili, 7 December 2006]

With presidential and legislative elections planned for the end of the first semester of next year, we are concerned with the unstable security conditions that still affect some areas of the country,

For this reason it is our intention to see the present United Nations police deployment reinforced by a further integrated police unit, to ensure the elections are held in a secure and peaceful environment.

We believe that Portugal's Guarda Nacional Republicana (GNR), given the outstanding contribution it made to the normalization of the security situation in Dili since July, and the exceptional role it played while integrated in the United Nations Transitional Administration in East Timor mission between 2000 and 2002, fulfils the essential requirements for such a mission.

The professionalism of GNR, its deep knowledge of the country and population, the respect and admiration it earned from the Timorese people, makes it imperative that we ask Portugal to deploy to Timor-Leste a second company of the force.

Excellency, I reiterate our thanks for your support for the people of Timor-Leste and trust we can count on your continuing support in meeting this critical requirement for an extra GNR unit.

(*Signed*) Kay Rala Xanana **Gusmão**
President of the Republic

(*Signed*) Francisco **Guterres** "Lu-Olo"
President of the National Parliament

(*Signed*) José **Ramos-Horta**
Prime Minister

United Nations S/2006/1023

Security Council

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22 December 2006

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Draft resolution

The Security Council,

Bearing in mind its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security, and underlining the importance of taking measures aimed at conflict prevention and resolution,

Reaffirming its resolutions 1265 (1999), 1296 (2000) and 1674 (2006) on the protection of civilians in armed conflict and its resolution 1502 (2003) on protection of United Nations personnel, associated personnel and humanitarian personnel in conflict zones, as well as other relevant resolutions and presidential statements,

Reaffirming its commitment to the Purposes of the Charter of the United Nations as set out in Article 1 (1-4) of the Charter, and to the Principles of the Charter as set out in Article 2 (1-7) of the Charter, including its commitment to the principles of the political independence, sovereign equality and territorial integrity of all States, and respect for the sovereignty of all States,

Reaffirming that parties to an armed conflict bear the primary responsibility to take all feasible steps to ensure the protection of affected civilians,

Recalling the Geneva Conventions of 12 August 1949, in particular the Third Geneva Convention of 12 August 1949 on the treatment of prisoners of war, and the Additional Protocols of 8 June 1977, in particular article 79 of the Additional Protocol I regarding the protection of journalists engaged in dangerous professional missions in areas of armed conflict,

Emphasizing that there are existing prohibitions under international humanitarian law against attacks intentionally directed against civilians, as such, which in situations of armed conflict constitute war crimes, and *recalling* the need for States to end impunity for such criminal acts,

Recalling that the States Parties to the Geneva Conventions have an obligation to search for persons alleged to have committed, or to have ordered to be committed a grave breach of these Conventions, and an obligation to try them before their own courts, regardless of their nationality, or may hand them over for trial to another concerned State provided this State has made out a prima facie case against the said persons,

Drawing the attention of all States to the full range of justice and reconciliation mechanisms, including national, international and "mixed" criminal courts and tribunals and truth and reconciliation commissions, and *noting* that such

06-68154 (E) 231206

mechanisms can promote not only individual responsibility for serious crimes, but also peace, truth, reconciliation and the rights of the victims,

Recognizing the importance of a comprehensive, coherent and action-oriented approach, including in early planning, of protection of civilians in situations of armed conflict. *Stressing*, in this regard, the need to adopt a broad strategy of conflict prevention, which addresses the root causes of armed conflict in a comprehensive manner in order to enhance the protection of civilians on a long-term basis, including by promoting sustainable development, poverty eradication, national reconciliation, good governance, democracy, the rule of law and respect for and protection of human rights,

Deeply concerned at the frequency of acts of violence in many parts of the world against journalists, media professionals and associated personnel in armed conflict, in particular deliberate attacks in violation of international humanitarian law,

Recognizing that the consideration of the issue of protection of journalists in armed conflict by the Security Council is based on the urgency and importance of this issue, and recognizing the valuable role that the Secretary-General can play in providing more information on this issue,

1. *Condemns* intentional attacks against journalists, media professionals and associated personnel, as such, in situations of armed conflict, and calls upon all parties to put an end to such practices;

2. *Recalls* in this regard that journalists, media professionals and associated personnel engaged in dangerous professional missions in areas of armed conflict shall be considered as civilians and shall be respected and protected as such, provided that they take no action adversely affecting their status as civilians. This is without prejudice to the right of war correspondents accredited to the armed forces to the status of prisoners of war provided for in article 4.A.4 of the Third Geneva Convention;

3. *Recalls also* that media equipment and installations constitute civilian objects, and in this respect shall not be the object of attack or of reprisals, unless they are military objectives;

4. *Reaffirms* its condemnation of all incitements to violence against civilians in situations of armed conflict, further reaffirms the need to bring to justice, in accordance with applicable international law, individuals who incite such violence, and indicates its willingness, when authorizing missions, to consider, where appropriate, steps in response to media broadcast inciting genocide, crimes against humanity and serious violations of international humanitarian law;

5. *Recalls its demand* that all parties to an armed conflict comply fully with the obligations applicable to them under international law related to the protection of civilians in armed conflict, including journalists, media professionals and associated personnel;

6. *Urges* States and all other parties to an armed conflict to do their utmost to prevent violations of international humanitarian law against civilians, including journalists, media professionals and associated personnel;

7. *Emphasizes* the responsibility of States to comply with the relevant obligations under international law to end impunity and to prosecute those responsible for serious violations of international humanitarian law;

8. *Urges* all parties involved in situations of armed conflict to respect the professional independence and rights of journalists, media professionals and associated personnel as civilians;

9. *Recalls* that the deliberate targeting of civilians and other protected persons, and the commission of systematic, flagrant and widespread violations of international humanitarian and human rights law in situations of armed conflict may constitute a threat to international peace and security, and *reaffirms in this regard its readiness* to consider such situations and, where necessary, to adopt appropriate steps;

10. *Invites* States which have not yet done so to consider becoming parties to the Additional Protocols I and II of 1977 to the Geneva Conventions at the earliest possible date;

11. *Affirms* that it will address the issue of protection of journalists in armed conflict strictly under the agenda item "protection of civilians in armed conflict";

12. *Requests* the Secretary-General to include as a sub-item in his next reports on the protection of civilians in armed conflict the issue of the safety and security of journalists, media professionals and associated personnel.

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Security Council

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23 December 2006

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Letter dated 23 December 2006 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council

Upon instructions from my Government and with regard to the discussions in the Security Council at its meeting of 23 December, I have the honour to state the points contained in the annex to the present letter.

I should be grateful if you would have the present letter and its annex, including the footnotes to the said annex, circulated as a document of the Security Council.

(*Signed*) M. Javad **Zarif**

06-68201 (E) 020107

Annex to the letter dated 23 December 2006 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council

The adoption of Security Council Resolution 1737 marks a sad day for the non-proliferation regime. Only a few days ago, the Prime Minister of the Israeli regime boasted about his regime's nuclear weapons., But instead of even raising an eyebrow -- let alone addressing -- that serious threat to international peace and security and the non-proliferation regime, the Security Council imposed sanctions on a member of the NPT that -- unlike Israel:

- has never attacked or threatened to use force against any member of the United Nations,
- has categorically rejected development, stockpiling and use of nuclear weapons on ideological and strategic grounds,[1]
- was prepared to provide guarantees that it would never withdraw from the NPT,[2]
- has placed all its nuclear facilities under IAEA Safeguards,[3]
- fully implemented the Additional Protocol for over two years[4] and stated its readiness to resume its implementation,[5]
- allowed over 2000 person days of IAEA scrutiny of all its related -- and even unrelated -- facilities,[6] resulting in repeated statements by the Agency on the absence of any evidence of diversion,[7]
- voluntarily suspended its lawful enrichment activities for over two years, verified by the IAEA,[8] in order to build confidence and provide ample opportunity to find a mutually acceptable solution – if that ever were the intention of its negotiating partners,
- presented various far-reaching proposals to ensure permanent non-diversion, and
- has consistently called for time-bound and unconditional negotiations to find mutually acceptable solution; a call that was repeated yesterday by Iranian Foreign Minister.

The same Governments, which have pushed the Council to take groundless punitive measures against Iran's peaceful nuclear program, have systematically prevented it from taking any action to nudge the Israeli regime towards submitting itself to the

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[1] Religious Fatwa by the Leader of the Islamic Republic reflected in Kayhan, 6 November 2004. Also see the Iranian Reply of August 22, 2006 to the 5+1 Package, S/2006/806, P. 2 and 12.

[2] See the Iranian Reply of August 22, 2006 to the 5+1 Package, S/2006/806, P. 14.

[3] See, *inter alia*, GOV/2006/64, Para 20.

[4] IAEA- GOV/2006/15, Para 30: "until 6 February 2006, implemented the Additional Protocol as if it were in force, including by providing, in a timely manner, the requisite declarations and access to locations."

[5] See the Iranian Reply of August 22, 2006 to the 5+1 Package, S/2006/806, P. 13.

[6] See, *inter alia*, IAEA – GOV/2006/15, paragraph 30, IAEA – GOV/2004/83, paragraph 6, IAEA – GOV/2005/67, paragraph 56 and IAEA - GOV/OR.1119* Issued: April *2005*, paragraph 103..

[7] See, *inter alia*, IAEA - GOV/2003/75, paragraph 52 and IAEA - GOV/2006/15, paragraph 53

[8] See, *inter alia*, Statement of the IAEA's Director General at the Board of Governors on March 8, 2004, IAEA - GOV/2004/11, paragraphs 72-73, IAEA - GOV/2004/34, paragraphs 40 and 43, , IAEA - GOV/2004/60 paragraphs 55 and 60, , IAEA - GOV/2005/67 paragraphs 53 and 55, IAEA - GOV/2005/87 paragraph 17.

rules governing the nuclear non-proliferation regime. By so doing, they have provided it with wide latitude and even encouragement to indulge freely in the clandestine development and unlawful possession of nuclear weapons and even public boasting about it with impunity.

As I pointed out in my letter of 20 December 2006,[9] it is undisputable that nuclear weapons in the hands of the Israeli regime with an unparalleled record of non-compliance with Security Council resolutions – if that was the criteria for adoption of the resolution against Iran -- and a long and dark catalogue of crimes and atrocities such as occupation, aggression, militarism, state-terrorism, crimes against humanity and apartheid[10], poses a uniquely grave threat to regional and international peace and security.

The reversal of the hypocritical policy of "strategic ambiguity" by the Israeli regime has removed any excuse – if there ever were any – for continued inaction by the Council in the face of this actual threat to international peace and security.

The reaction of the Security Council to the Israeli regime's unlawful possession of nuclear weapons will show whether the Council is acting – as it is obliged to under Article 24 of the Charter – on behalf of the members of the international community who have made their views abundantly clear on this issue[11], or whether it is merely a "tool in the toolbox"[12] of a few of its permanent members who only misuse it to fix their foreign policy problems and to serve their short-sighted perceived interests.

In such a situation, it is not at all surprising that a nation is punished for exercising its inalienable rights, primarily at the behest of a dangerous regime with aggression and war crimes as its signature brand of behavior, which was apparently rewarded for having clandestinely developed and unlawfully possessed nuclear weapons.

Does anyone expect this to enhance the credibility of the Council or strengthen the authority of the NPT?

Put into perspective, the resolution can only remind the Iranian people of the historic injustices the Security Council has done to them in the past six decades. It is reminiscent of the attempt made in the Council to punish the Iranian people for their nationalization of their oil industry described as a threat to peace.[13] It is also a reminder of the Council's indifference in the face of a military coup, organized by two permanent members, which restored the dictatorship. It refreshes the memory of the time when the Council did not consider the massive invasion of Iran by the former Iraqi regime as a threat to international peace and security, and refused to even call on the invading army to withdraw from Iranian territory. It brings back the horrors of the long years when the Council turned a blind eye to the extensive and brutal use of

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[9] S/2006/1008, A/61/650

[10] Former US President Carter in his recent opinion piece in the LA Times dated December 8, 2006 states: "The book describes the abominable oppression and persecution in the occupied Palestinian territories...In many ways, this is more oppressive than what blacks lived under in South Africa during apartheid."

[11] Final Document of NAM Summit , September 16, 2006/Doc.1/Rev.3

[12] US Department of State: http://usinfo.state.gov/mena/Archive/2006/Mar/06-846555.html

[13] S/2358/Rev.1

chemical weapons against Iranian civilians and soldiers, and by so doing, shouldered responsibility for tens of thousands of Iranians who continue to suffer and perish as a result of chemical weapons whose components came from certain countries permanently represented in the Council. We do not need to go far to find these victims. Only last month, I lost one of my brightest colleagues in the Mission, Mahdi Vahidi, to cancer caused by these very chemical weapons. Mahdi was just 39.

I dealt with the pretexts used for the involvement of the Security Council in Iran's peaceful nuclear program in the annex to document S/2006/603. It is important to make the following additional points:

Bringing Iran's peaceful nuclear program to the Council by few of its permanent members, particularly the United States, is not aimed at, nor will it help seeking a solution or encouraging negotiations. Even their stated objective has always been to use the Council as an instrument of pressure and intimidation to compel Iran to abandon its rights. (Knowing their bright recent history, we can all assume what the unstated objective has been.) It is instructive in this regard to examine two examples:

An informal paper titled, "Options for Addressing Iran's Nuclear Program at the UN Security Council", circulated by the US Mission in October 2004 – exactly when its EU3 allies were ostensibly engaged in negotiations with Iran – states: "the United States has long believed that Iran's nuclear activities must be reported to the UN Security Council... The UNSC has the legal authority to *require Iran to stop [its enrichment program]*."

As to Iran's negotiating partners, the Political Director of the British Foreign Office, in a letter dated 16 March 2006 addressed to his counterparts in France, Germany and the United States, revealed the more conniving British plan: "We may also need to remove one of the Iranian arguments that the suspension called for is 'voluntary'. We could do [that] by making the voluntary suspension a mandatory requirement to the Security Council."

The letter gets even more interesting: "I agreed to circulate a short paper which we might use as a sort of speaking note with the Russians and Chinese. Implicit in the paper is a recognition that *we are not going to bring the Russians and Chinese to accept significant sanctions over the coming months, certainly not without further efforts to bring the Iranians around... In return for the Russians and Chinese agreeing to [a Chapter VII resolution], we would then want to put together a package that could be presented to the Iranians as a new proposal.*"[14]

This scheme is what actually motivated the presentation of the so-called package of incentives given to Iran – a couple of months behind British schedule – on June 6th 2006.

It also explains why the United States and EU3 never even took the trouble of studying various Iranian proposals: they were – from the very beginning – bent on abusing the Council and the threat of referral and sanctions as an instrument of

[14] Times Online, March 22, 2006, http://www.timesonline.co.uk/article/0,,2-2098203,00.html.

pressure to compel Iran to abandon the exercise of its NPT guaranteed right to peaceful nuclear technology.

It is now an open secret that their sole objective from the negotiations has never been to find a solution but to impose and then prolong and perpetuate the suspension of Iran's right in line with their arbitrary and fluctuating red lines.

Suspension is not a solution. It is at best a temporary –a stop-gap – measure to allow time to find a real solution. And such a suspension was in place for two years and contrary to the excuse that the proponents of the resolution have presented here and there, the IAEA repeatedly verified that Iran fully suspended what it had agreed to suspend in each and every report from November 2003 to February 2006.[15] So, there was a suspension for two years and on and off negotiations for three. What has been done during these 3 years to find an agreement?

- Have the EU3 or the United States presented any proposal on what measures – short of outright revision of the NPT – would remove their so-called proliferation concerns?
- Having failed to do so, did they ever consider the far reaching proposals that were offered by Iran on March 23, 2005[16], which the EU3 negotiators initially considered to contain "positive elements"?
- Did they ever propose how those positive elements could be enhanced or how the points of divergence could be bridged? Or did they, after consultations with a certain absent party, simply say "it is not good enough. Continue to suspend."
- Did they even bother to read our proposal of 18 July 2005 which suggested: "allow the Agency to develop an optimized arrangement on numbers, monitoring mechanism and other specifics for an initial limited operation at Natanz, which would address our needs and allay [their] concerns"?[17]
- Did they ponder about the far-reaching non-proliferation potential of the proposal by the President of the Islamic Republic of Iran in his address to the General Assembly on 17 September 2005? Let me refresh your memories: "in order to provide the greatest degree of transparency, the Islamic Republic of Iran is prepared to engage in serious partnership with private and public sectors of other countries in the implementation of uranium enrichment program in Iran.."
- Did they respond to the concrete proposal by the Iranian Foreign Minster at the Conference on Disarmament on 30 March 2006? Allow me to quote what he said: "In our view one possibility to resolve the issue could be establishment of regional consortiums on fuel cycle development with the participation of regional countries … Of course countries outside the region may also participate in such regional arrangements... The facility would also be jointly owned by the sharing countries and the work could be divided based on the expertise of the participants."

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[15] See, *inter alia*, Statement of the IAEA's Director General at the Board of Governors on March 8, 2004, IAEA - GOV/2004/11, paragraphs 72-73, IAEA - GOV/2004/34, paragraphs 40 and 43, , IAEA - GOV/2004/60 paragraphs 55 and 60, , IAEA - GOV/2005/67 paragraphs 53 and 55, IAEA - GOV/2005/87 paragraph 17

[16] See http://www.un.int/iran/facts_about_peaceful_nuclear_program.pdf, pages 46-48. Also see pages 39-45 and 49-50 for other far-reaching proposals by Iran from January 2005 to July 2005.

[17] See http://www.un.int/iran/facts_about_peaceful_nuclear_program.pdf, page 53.

- Were these suggestions not exactly a replica of the main proposal of the IAEA experts on Multinational Approaches to Nuclear Fuel Cycle Activities published on 22 February 2005? For those of you who have not seen the report, it suggests "Promoting voluntary conversion of existing facilities to MNAs, and pursuing them as confidence-building measures, with the participation of NPT non-nuclear weapon States and nuclear weapon States, and non-NPT States," and "Creating, through voluntary agreements and contracts, multinational, and in particular regional, MNAs for new facilities based on joint ownership, drawing rights or co-management for front-end and back-end nuclear facilities, such as uranium enrichment.."[18]
- Did the Iranian readiness to implement these ideas not present a unique opportunity to create a global model to strengthen the NPT and remove concerns about fuel cycle activities based on the recommendation of the best international experts brought together by the IAEA for this exact purpose?
- Was any other country with similar technology prepared to be as flexible as Iran?
- Did the US and its European allies seriously consider our detailed reply of 22 August 2006, which -- unlike their practice -- provided a point by point reply to their June 6th Package and made genuine proposals to address its shortcomings?[19] All I know is that they even refused to refer to it in the present resolution.
- Did they discuss the offer of international consortium which was presented by Iran in the course of the September and October 2006 negotiations in Vienna and Berlin and was initially considered very promising, leading to public statements of progress after the meetings;[20] a prognosis that was rapidly and astonishingly reversed even before the ministerial meeting of 5+1[21]?

Many other similar questions may be asked. But the answer to all will be the same. Because what the United States and apparently the EU3 – in spite of what they told us during negotiations -- wanted, and the only outcome that they were and are ready to accept from these so-called negotiations, was -- and still is -- that Iran should "make a binding commitment not to pursue fuel cycle activities."[22]

Iran has been brought before the Security Council, because we did not accept that unlawful demand – which as many already know, would not have been their last. At the same time, we were prepared to go to any length to alley their so-called proliferation concerns, in spite of the fact that we all know they are no more than unfounded and self-serving sheer excuses.

Indeed, old-hand proliferators and suppliers of chemical weapons[23] and nuclear-weapon technology[24] can hardly have proliferation concerns.

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[18] "Multilateral Approaches to the Nuclear Fuel Cycle: Expert Group Report submitted to the Director General of the International Atomic Energy Agency," IAEA -- INFCIRC/640, 22 February 2005, p. 103, approaches 3,4 and 5.

[19] A/61/514 - S/2006/806

[20] See http://www.usatoday.com/news/world/2006-09-15-iran-eu_x.htm?csp=34.

[21] New York Times, October 4, 2006,

[22] The package presented by EU3 to Iran in August 2005. IAEA - INFCIRC 651, paragraph 34

[23] A US Senate inquiry in 1995 accidentally revealed that during the Iran-Iraq war the US had sent Iraq samples of all the strains of germs used by the latter to make biological weapons. The strains were sent

The sponsors claim that they do not trust our "intentions." But the problem is that their "intention-o-meter" has a rather abysmal record of chronic malfunction. Suffice it to say that the former US Director of Central Intelligence, Robert Gates, in a testimony before Congress in March 1992 claimed that Iran was trying to acquire a nuclear weapons capability, and added that this goal was unlikely to be achieved before the year 2000.[25] Later, in November of the same year, a draft National Intelligence Estimate by the same CIA, concluded that Iran was making progress on a nuclear arms program and could develop a nuclear weapon by 2000.[26] Now the same intelligence establishment is saying not before 2015.[27]

Accusing Iran of having "the intention" of acquiring nuclear weapons has, since the early 1980s, been a tool used to deprive Iran of any nuclear technology, even a light water reactor or fuel for the American-built research reactor.

One wonders which "Iranian intention" or which "proliferation concern" has prompted the main proponents of the resolution to prevent Iran, throughout the past 27 years, from buying civilian aircrafts or even their spare parts , thereby jeopardizing the lives and safety of Iranian civilians whom they hypostatically try to court these days. And I might add, to no avail.

As the IAEA Director-General recently said "a lot of what you see about Iran right now is assessment of intentions…But one of the lessons we learned from Iraq is that we really need to be very, very careful coming to conclusions because these issue make the difference between war and peace." [28]

Talking about "intentions", while the main proponents of the resolution may have self-servingly claimed that they doubt ours, they themselves have said and done plenty so that no body in Iran or elsewhere in the world could have any illusions about theirs. The recent dangerously divisive statement by the UK Prime Minister[29] is the most recent vivid illustration of those intentions.

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by the Centers for Disease Control and Prevention [sic] and the American Type Culture Collection to the same sites in Iraq that UN weapons inspectors later determined were part of Iraq's biological weapons program (Times of India, 2/10/02). See also " How the US Armed Saddam Hussein with Chemical Weapons," at http://www.greenleft.org.au/2002/506/27605. For collaboration of other sponsors of the current resolution with Iraq in its chemical weapons program, see for instance: http://www.fas.org/nuke/guide/iraq/cw/az120103.html, and http://www.atimes.com/atimes/Middle_East/EB05Ak02.html.

[24] See for instance: Michael Karpin, *The Bomb In the Basement*,(Simon and Schuster, 2006); and Zdenek Cervenka and Barbara Rogers, *The Nuclear Axis*, (Time Books, 1978). See also "Israel's Nuclear Weapons" at http://www.fas.org/nuke/guide/israel/nuke/farr.htm.

[25] Jeffrey Smith, Gates Warns of Iranian Arms Drive; The Washington Post, March 28, 1992.

[26] Elaine Sciolino, C.I.A. Says Iran Makes Progress On Atom Arms, The New York Times, November 30, 1992

[27] US National Intelligence Estimate, 2005, See Washington Post August 2, 2006, http://www.washingtonpost.com/wp-dyn/content/article/2005/08/01/AR2005080101453_pf.html.

[28] Christopher Dickey, The Power of the Purse, Newsweek, Oct 20, 2006.

[29] Reuters, December 20, 2006, http://news.yahoo.com/s/nm/20061220/ts_nm/britain_blair_dc_6

The August 23rd report by the Intelligence Committee of the US House of Representatives on Iran's nuclear program[30] is another telling example. That report was so dangerously misleading and illustrating the extent to which some war-mongers are prepared to go, that it compelled the IAEA to officially dispute its allegations against Iran. In its letter, the IAEA called parts of the report "outrageous and dishonest," containing "incorrect and misleading assertions" and offered evidence to refute its central claims. The Agency stressed that the report even contained serious distortions of IAEA findings on Iran's nuclear activities.[31]

The Islamic Republic of Iran firmly believes that the days of weapons of mass murder have long passed; that these inhumane instruments of indiscriminate slaughter have not brought internal stability or external security for anyone and they will not be able to do so in the future.

Unlike some who despise the NPT and international law in general, we have a high stake in preserving, fully implementing, strengthening and universalizing the NPT. The resolution adopted on 23 December 2006 does exactly the opposite. And it should be no surprise, because it was championed by a non-member of the NPT coupled with its main benefactor which made no secret of its contempt for this and other disarmament instruments. No one has forgotten last year's Summit, when even the word "disarmament" was struck by the famous "red pen."

By the same token, we believe that the days of bullying, pressure and intimidation by some nuclear-weapon holders are gone. We are told we need to build confidence. Indeed. We all do in this tumultuous world. But confidence could only be built through respect for and non-discriminatory application of law. That is the only objective criteria; anything else would be to accept the whim of the powerful. And, international law and international treaties cannot be the subject of arbitrary, fluctuating and self-serving re-interpretations, adjustments or red lines even if they are connivingly imposed through resolutions. Such a precedent is dangerous for every one.

The Security Council would go a long way in addressing its own confidence-deficit, by truly acting on behalf of UN membership, as mandated by Article 24 of the Charter. An overwhelming majority of them are members of the Non-Aligned Movement and the Organization of Islamic Conference who have *"reaffirmed* that States' choices and decisions in the field of peaceful uses of nuclear technology and its fuel cycle policies must be respected,"[32] and "expressed concern over ... threats and pressures on Iran by certain circles to renounce its inalienable right to develop nuclear energy for peaceful purposes."[33] They have also clarified where the real threat to international peace and security does in fact exist by "expressing grave concern over the acquisition of nuclear capability by Israel, *which poses a serious and*

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[30] Staff Report of the US House Permanent Select Committee on Intelligence Subcommittee on Intelligence Policy, August 23, 2006. The report had been prepared by a former special assistant to Ambassador Bolton. See Dafna Linzer's article in the Washington Post, August 24, 2006.

[31] Letter by the IAEA dated 12 September 2006, addressed to Chairman of the Permanent Select Intelligence Committee of the US House. See Guardian, September 15, 2006, http://www.guardian.co.uk/iran/story/0,,1873114,00.html.

[32] NAM/2006/Doc.12/Rev. 1, September 16, 2006.

[33] OIC Resolution 18/33-P.

continuing threat to the security of neighboring and other States."[34] That is the real issue that members of the United Nations wanted the Security Council to be seized with.

[34] Final Document of NAM Summit , September 16, 2006/Doc.1/Rev.3

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Letter dated 20 December 2006 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 20 December 2006, addressed to you by His Excellency Mr. Kemal Gökeri, Representative of the Turkish Republic of Northern Cyprus (see annex). I would be grateful if the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 19, and of the Security Council.

(*Signed*) Baki **İlkin**
Ambassador
Permanent Representative

06-68351 (E) 110107

Annex to the letter dated 20 December 2006 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to refer to the letter dated 12 December 2006 addressed to you by the Greek Cypriot representative (see A/61/634-S/2006/979), which yet again contains allegations of violations of the "airspace of the Republic of Cyprus" and of the "flight information region (FIR) of Nicosia", and to bring to your kind attention the following.

In response to such false and pretentious allegations, I wish, once again, to reiterate that flights within the sovereign airspace of the Turkish Republic of Northern Cyprus take place with the full knowledge and consent of the appropriate authorities of the State, over which the Greek Cypriot administration in South Cyprus has no jurisdiction or right of say whatsoever. Furthermore, it should be emphasized that allegations of so-called violations of the flight information region or violations of air traffic regulations are invalid, as the civil aviation authority of the Turkish Republic of Northern Cyprus is the only competent authority to provide air traffic and aeronautical information services.

As stated in our previous letters, such allegations are based on the false and illegitimate claim that the sovereignty of the Greek Cypriot administration extends over the whole island, including the territory of the Turkish Republic of Northern Cyprus. This claim by the Greek Cypriot side is divorced from the existing realities in Cyprus, namely, the existence of two independent States, each exercising sovereignty and jurisdiction within and above its respective territory on the island.

Attempts by the Greek Cypriot representatives, through often-repeated false claims, to confer legitimacy upon an illegal administration will be futile as long as the Turkish Cypriot people refuse to bow to its writs. What would indeed be conducive to a better climate on the island would be for the Greek Cypriot side to stop arrogating to itself the rights and responsibilities it does not legally have, and to cease all hostilities towards the Turkish Cypriot people.

The Greek Cypriot administration should be reminded, once again, that its counterpart is, and has always been, the Turkish Cypriot side, not Turkey. I also deem it imperative to point out that the attitude demonstrated by the Greek Cypriot representatives in their constant repetition of false claims is nothing more than rhetoric, which unfortunately wastes the precious time and energy of the international community. They would do better to concentrate on taking concrete steps towards the achievement of a fair and just settlement in Cyprus within the context of the United Nations Secretary-General's mission of good offices.

(*Signed*) M. Kemal **Gökeri**
Representative
Turkish Republic of Northern Cyprus